

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Andre Smiley,

Plaintiff,

v.

Case No. 1:13cv815

Sgt. Corlett, *et al.*,

Judge Michael R. Barrett

Defendants.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on March 12, 2015 (Doc. 29).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 29) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion for Summary Judgment (Doc. 26) is **DENIED**; Defendants' Motion to Enforce Settlement Agreement (Doc. 27) is **GRANTED**.

Pursuant to 28 U.S.C. § 1915(a), any request for certificate of appealability or request to appeal *in forma pauperis* would not be taken in good faith and would be denied. Plaintiff is free to apply to proceed *in forma pauperis* to the Court of Appeals.

**IT IS SO ORDERED.**

*s/Michael R. Barrett*  
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Michael R. Barrett  
United States District Judge